



Ancient Monuments and Archaeological Areas Act 1979

1979 CHAPTER 46

PART III

MISCELLANEOUS AND SUPPLEMENTAL

Restrictions on use of metal detectors

42 Restrictions on use of metal detectors.

- (1) If a person uses a metal detector in a protected place without the written consent of the [^{F1}Commission (in a case of a place situated in England) or of the Secretary of State (in any other case)] he shall be guilty of an offence and liable on summary conviction or, in Scotland, on conviction before a court of summary jurisdiction, to a fine not exceeding [^{F2}level 3 on the standard scale].
- (2) In this section—
 - “metal detector” means any device designed or adapted for detecting or locating any metal or mineral in the ground; and
 - “protected place” means any place which is either—
 - (a) the site of a scheduled monument or of any monument under the ownership or guardianship of the Secretary of State [^{F3}or the Commission] or a local authority by virtue of this Act; or
 - (b) situated in an area of archaeological importance.
- (3) If a person without [^{F4}written consent] removes any object of archaeological or historical interest which he has discovered by the use of a metal detector in a protected place he shall be guilty of an offence and liable on summary conviction to a fine not exceeding the statutory maximum or on conviction on indictment to a fine.

Status: Point in time view as at 22/07/2008.

Changes to legislation: Ancient Monuments and Archaeological Areas Act 1979, Cross Heading: Restrictions on use of metal detectors is up to date with all changes known to be in force on or before 05 September 2023. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

[^{F5}The reference in this subsection to written consent is to that of the Commission (where the place in question is situated in England) or of the Secretary of State (in any other case)]

- (4) A consent granted by the Secretary of State [^{F6}or the Commission] for the purposes of this section may be granted either unconditionally or subject to conditions.
- (5) If any person—
- (a) in using a metal detector in a protected place in accordance with any consent granted by the Secretary of State [^{F6}or the Commission] for the purposes of this section; or
 - (b) in removing or otherwise dealing with any object which he has discovered by the use of a metal detector in a protected place in accordance with any such consent;
- fails to comply with any condition attached to the consent, he shall be guilty of an offence and liable, in a case falling within paragraph (a) above, to the penalty provided by subsection (1) above, and in a case falling within paragraph (b) above, to the penalty provided by subsection (3) above.
- (6) In any proceedings for an offence under subsection (1) above, it shall be a defence for the accused to prove that he used the metal detector for a purpose other than detecting or locating objects of archaeological or historical interest.
- (7) In any proceedings for an offence under subsection (1) or (3) above, it shall be a defence for the accused to prove that he had taken all reasonable precautions to find out whether the place where he used the metal detector was a protected place and did not believe that it was.

Textual Amendments

- F1** Words substituted by National Heritage Act 1983 (c. 47, SIF 78), s. 41, **Sch. 4 para. 60(2)(6)**
- F2** Words substituted by virtue of Criminal Justice Act 1982 (c. 48), **s. 46** and Criminal Procedure (Scotland) Act 1975 (c. 21), **s. 289G** (as inserted by Criminal Justice Act 1982 (c. 48), **s. 54**)
- F3** Words inserted by National Heritage Act 1983 (c. 47, SIF 78), s. 41, **Sch. 4 para. 60(3)(6)**
- F4** Words substituted by National Heritage Act 1983 (c. 47, SIF 78), s. 41, **Sch. 4 para. 60(4)(6)**
- F5** Words inserted by National Heritage Act 1983 (c. 47, SIF 78), s. 41, **Sch. 4 para. 60(4)(6)**
- F6** Words inserted by National Heritage Act 1983 (c. 47, SIF 78), s. 41, **Sch. 4 para. 60(5)(6)**

Modifications etc. (not altering text)

- C1** S. 42(1) excluded (18.12.1996) by 1996 c. 61, s. 12, **Sch. 7 para. 4(12)**
- C2** S. 42(1) excluded (22.7.2008) by Crossrail Act 2008 (c. 18), **Sch. 9 para. 4(12)**
- C3** S. 42(3) excluded (18.12.1996) by 1996 c. 61, s. 12, **Sch. 7 para. 4(13)**
- C4** S. 42(3) excluded (22.7.2008) by Crossrail Act 2008 (c. 18), **Sch. 9 para. 4(13)**

Status:

Point in time view as at 22/07/2008.

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